

M I N U T E S

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
GARDEN GROVE, CALIFORNIA

THURSDAY  
JANUARY 18, 2007

CALL TO ORDER: The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers of the Community Meeting Center.

PRESENT: CHAIR JONES, VICE CHAIR MARGOLIN,  
COMMISSIONERS CALLAHAN, CHI, LECONG, PAK, PIERCE  
ABSENT: NONE

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Susan Emery, Community Development Director; Karl Hill, Planning Services Manager; Lee Marino, Senior Planner; Paul Wernquist, Urban Planner; Grant Raupp, Administrative Analyst; Dan Candelaria, Civil Engineer; Robert Fowler, Police Department; Sergeant Kevin Boddy, Police Department; Judith Moore, Recording Secretary.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of the United States of America was led by Commissioner Pak and recited by those present in the Chamber.

ORAL COMMUNICATION: None.

APPROVAL OF MINUTES: Commissioner Callahan moved to approve the Minutes of November 16, 2006, seconded by Chair Jones. The motion carried with the following vote:

AYES:	COMMISSIONERS:	CALLAHAN, CHI, JONES, LECONG MARGOLIN, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE
ABSTAIN:	COMMISSIONERS:	PAK

CONTINUED PUBLIC HEARING: SITE PLAN NO. SP-408-06  
TENTATIVE TRACT MAP NO. TT-17001  
APPLICANT: FUSCOE ENGINEERING (GLENN LAKE)  
LOCATION: SOUTHWEST CORNER OF HARBOR BOULEVARD AND CHAPMAN AVENUE  
AT 12015 HARBOR BOULEVARD  
DATE: JANUARY 18, 2007

REQUEST: To convert the 371-unit hotel complex, known as the Marriott Suites, Garden Grove, into a hotel condominium conversion development. The purpose is to allow individual ownership of an existing suite and to have the complex continue to operate as a full service hotel on the six-acre site. All reciprocal access, parking, maintenance, and other shared activities, under the existing zoning and CC & R's for the site, will remain intact. The site is in the Planned Unit Development No. PUD-122-98 zone.

Staff report was read and recommended approval.

Commissioner Chi asked staff why the case had been continued. Staff replied that the applicant could not attend the previous meeting.

Vice Chair Margolin asked if transient tax was still being applied and if the 371 condominium suites could be privately owned. Staff replied yes, and that the suites do not have kitchens.

Commissioner Pak asked staff how the ownership aspect would impact the parking. Staff responded that there would be no negative impact as the hotel would operate as it does now.

Commissioner Pak asked if the suite owner's would be subject to property taxes and would the overall property tax of the hotel be lowered? Staff deferred the question to the applicant.

Chair Jones opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Mark Hyatt, the applicant's representative, approached the Commission and stated that the hotel is currently assessed at approximately 50 million dollars; that if the hotel were to be sold, the asking price would be 90 million dollars, with the additional 40 million bringing tax to the City; that the hotel would look and feel like a time-share; that these types of condominiums are popular elsewhere; that the owner would have benefits; that the Marriott does not have a swapping program; that the condominium owners would have the same rights as typical condominium owners; that part of the franchise agreement is that owner's must join an association to maintain the Marriott's standards; that a maximum occupancy per unit needs to be developed per current standards; that most owner's typically use only two of the four weeks of usage; that the market is just starting in Southern California; that the timeline is approximately six months; and that the price would be between \$235,000 and \$290,000, with the average at about \$270,000.

There being no further comments, the public portion of the hearing was closed.

Chair Jones moved to approve Site Plan No. SP-408-06 and Tentative Tract Map No. TT-17001, seconded by Commissioner Chi. The motion received the following vote:

AYES:	COMMISSIONERS:	CALLAHAN, CHI, JONES, MARGOLIN, LECONG, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC  
HEARING:                   NEGATIVE DECLARATION

AMENDMENT NO. A-129-07  
APPLICANT: CITY OF GARDEN GROVE  
LOCATION: CITYWIDE  
DATE: JANUARY 18, 2007

REQUEST: To amend Title 9 of the Garden Grove Municipal code Section 9.08.030 (Land Use Matrix) modifying the zones where assembly uses – such as, but not limited to, education institutions, health clubs, trade schools, preschools, and private clubs and lodges – may be established; to require approval of a Conditional Use Permit for these and other similar assembly uses; and to move the development standards for schools from Section 9.01.060 (Definitions) to Section 9.08.050 (Special Operating Conditions and Development Standards).

Staff report was read and recommended approval.

Commissioner Chi asked staff if the City keeps inventory of Office Professional land use areas and is there a balance of uses. Staff replied that the City reflects the community with a mix of uses and that the City endeavors to keep the Office Professional areas that they have; that if the City were to build from the beginning, there would be a ratio between the commercial and residential; and that in Garden Grove, commercial space was put on boulevards so currently, there is no relation between the two.

Vice Chair Margolin commented that allowing churches in C-1 and C-2 zone is a radical idea compared to what the City had done in the past; that there are only a few places to put a church; and that churches could now be put in without harassment.

Commissioner Pak asked staff that if when a facility is moved from a different zone would the existing facility be grandfathered, and when would the owner have to come to the Planning Commission for a conditional use permit. Staff replied no, that the existing facility would not be grandfathered and that the conditional use permit runs with the land.

Vice Chair Margolin asked staff if churches would be prevented in a residential area? Staff replied no, that Commissioner Pak is speaking about nonconforming uses; and that there are only nine to twelve uses in the Office Professional zone.

Commissioner Pak asked staff to clarify the educational institutions, in that, does the school board have the authority to place schools? Staff replied that the school board places public schools, but not private.

Commissioner Pak asked staff to clarify the term 'day care', as to whether the term referred to children, or adults, or both? Staff replied that 'day care', in this instance, would refer to children; that adult day care is not allowed in Office Professional zone as the use is more of a residential use; and that adult day care is allowed in commercial zones.

Commissioner Lecong asked if the temple building were converted to adult day care, would the facility be permissible? Staff replied no, that the zoning is Office Professional.

Commissioner Lecong commented that adult day care has professional services such as doctors and physical therapy and therefore could qualify for an Office Professional type of business. Staff responded that the Commercial zone is better, in that the City has more commercial property than Office Professional.

Commissioner Lecong further added that adult day care, whose function is similar to a preschool and older child day care, was not permitted in the M-1 and M-P industrial zones, only the C-1 zone. Staff replied that adult day care is included in the C-1, M-1, and M-P zones; and that the term 'Day Care Center' on the staff report chart, needs to be clarified as to the type of care included, such as child care or adult care.

Commissioner Pak asked staff to clarify the staff report line item on Page 2 that read, "Remove Day Care Centers from the O-P zone and require conditional use permits in M-1 and M-P".

Staff recommended that a specific study be conducted for adult day care facilities that would include the type of demands required by the state, where the centers could be located, how many centers would be allowed, and how the centers would be operated; and that an example of a restriction, which would be used for consistency, would include a day care center's proximity to a bar.

Chair Jones added that the 'C' (Conditional Use Permit required), in the zoning chart on Page 3, could include an asterisk denoting that special conditions and restrictions would apply to adult day care if permitted in the C-2 and C-3 zones.

Chair Jones then opened the public hearing to receive testimony in favor of or in opposition to the request.

There being no further comments, the public portion of the hearing was closed.

Chair Jones moved to recommend the adoption of the Negative Declaration and approval of Amendment No. A-129-07 to City Council, seconded by Commissioner Pak, pursuant to the facts and reasons contained in Resolution No. 5579. The motion received the following vote:

AYES:	COMMISSIONERS:	CALLAHAN, CHI, JONES, LECONG, MARGOLIN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC  
HEARING:           NEGATIVE DECLARATION  
                          SITE PLAN NO. SP-415-07  
                          AMENDMENT NO. A-130-07  
APPLICANT:       DONNA MORRIS

LOCATION: SOUTH SIDE OF STANFORD AVENUE, EAST OF CRESTWOOD CIRCLE AT  
9792 STANFORD AVENUE  
DATE: JANUARY 18, 2007

REQUEST: To amend the zoning map to change the zone of the property from R-1 (Single-Family Residential), with a minimum lot size of 15,000 square feet, to R-1 (Single-Family Residential), with a minimum lot size of 9,000 square feet; Site Plan approval for the construction of four new single-family homes on existing lots ranging in size from 9,365 square feet to 11,970 square feet.

Commissioner Ron Pierce excused himself from the dais due to a conflict of interest. Staff report was read and recommended approval. Three letters of opposition to the request were written by Jeff Nyeholt, Janice Van Buren, and Gloria Pappas.

Vice Chair Margolin asked staff if the lot had been empty since 1991. Staff replied yes, that one occupied single-family home still remains on the property; that the site plan has expired; that the final map was recorded in 1993 that legally subdivided the property into four parcels; and that the zone change was initiated as a result of the earlier project.

Commissioner Lecong asked staff why the project was exempt from environmental review. Staff replied that the size and scope of the project was not subject to the preparation of an Environmental Impact Report.

Chair Jones opened the public hearing to receive testimony in favor of or in opposition to the request.

Ms. Donna Morris, the applicant, approached the Commission and stated that she is a widow living on a fixed income; that her purpose for the four house project is to have the highest value for the property; that in 1991, the neighbors were okay with the prior owner; and that building the homes would not hurt the neighbors.

One person spoke in favor of the project stating that the beginning of development is occurring in the neighborhood and that there are 39 nonconforming lots on Stanford Avenue.

Fifteen persons spoke in opposition to the request stating that the character of the neighborhood would be adversely affected; that the zone change would open future zone changes for projects such as apartments; that the property should remain at 15,000 square feet; that dividing the lots into small pieces would destroy the diversity; that the neighbors preferred no gate on the community; that residents would rather see two homes, which would be consistent with the General Plan; and that traffic, parking, easements, setbacks, and higher density were issues.

Ms. Morris approached the Commission and stated that the entry gate could be omitted, and that this project is all that she has to live on.

Chair Jones asked Ms. Morris to clarify the legality of the four separate lots. Ms. Morris stated that the four lots are legal, being recorded in May of 1993.

Staff agreed with Ms. Morris stating that a copy of the parcel map was in the packet as well as in the Site Plan; that the parcel map had been stamped as recorded and is official; and that the County Assessor would not issue new parcel numbers until the lots were sold as separate parcels.

Commissioner Pak asked Ms. Morris if she had held a neighborhood meeting. Ms. Morris replied that a meeting was held last week with the Central Garden Grove, at which she conceded with regard to granny units.

There being no further comments, the public portion of the hearing was closed.

Chair Jones expressed his reservations with property rights issues; that the project was not desirable in the neighborhood and did not fit with the current zoning; and that staff needs to clarify the easement issue and parcel map recordation.

Staff replied that the easements are a part of the map that is stamped.

Commissioner Pak cited that the City Council approved the 15,000 square feet; and that on Crestwood Circle, there are six units on lots less than 15,000 square feet.

Staff stated that the smaller lots were subdivided during the 60' and 70's when lot sizes ranged from 8,300 to 10,000 square feet; that previous minimum lot sizes pre 1993 were 7,200 square feet, and that lots were divided under those provisions.

Staff further stated that after the approval of the map, the residents asked City Council to change the zoning to 15,000 minimum square feet; that had the project been built to the site plan approval of the time, it would have looked similar to Crestwood Circle; and that there are options- the property owner has the right to have 2.5 lots (1- nonconforming, 1- with a variance), or the owner could subdivide into two lots and develop two homes, which would require a new map and no zone change, or three lots with a minor variance.

Chair Jones asked staff to clarify the final map property rights. Staff explained that the owner could not begin building under the expired site plan even though the map was recorded and that the reason the map could not be built upon is that the other approval was allowed to expire.

Chair Jones asked staff what type of project could be built on the four parcels. Staff replied that had the zone not changed, four homes could have been built; that additions are allowed on nonconforming, single-family homes as long as the addition would meet the current code requirements; that if one of the houses on Crestwood Circle were to burn down and be damaged more than 50%, the owner would have to apply for a variance to rebuild the house or request a similar zone change.

Commissioner Chi asked staff to clarify what brought about the 15,000 square foot zone change. Staff replied that this project was proposed previously and ultimately approved by City Council; that the neighbors requested the City Council issue a zone change for the area; that there are

62 lots along Stanford Avenue at 15,000 square feet with 39 that are nonconforming.

Commissioner Pak asked staff that if any of the 39 houses burned down more than 50%, would the owners have to come to the Planning Commission? Staff replied that there would be three options – go through the Director's Review process for minor deviations to allow the reconstruction of the home, request a variance on lot size or change zoning of the property; and that the applicant has the choice of each of these three.

Commissioner Pak asked staff is there a grandfather clause. Staff replied that the grandfather clause applies with vested rights, however, the rights expired; that state law does not allow the parcel map to be rescinded; that at the time of the zone change, no other developers requested subdivisions; and that the emphasis for the 15,000 square feet was to indicate to interested developers, that the neighborhood proposed this is as the new lot size for development.

Chair Jones asked staff why the application was a zone change instead of a variance? Staff replied that in 2004, the property owner approached the City for suggestions to improve the property; that several options were presented and the applicant chose this option.

Commissioner Lecong asked if staff knew there would be resistance from the neighbors? Staff replied that the owner was familiar with the history of the property and was aware of the sentiment involved.

Vice Chair Margolin stated that he believes in owner's rights, though the footprint of the neighborhood is important; and that there are ways to find people to buy the large lots.

Commissioner Lecong commented that he enjoys living on Safford Street, which has ten 15,000 square foot properties; that he is pro growth; that the City is moving fast due to the influx of immigrants; that he appreciates privacy, freedom, and property rights; and that the Commission does listen to people's concerns.

Commissioner Callahan stated that he would not support the project.

Commissioner Pak commented that he had done his own research and thought the project would have privacy issues, such as window locations; that he had hoped the applicant would have opted for three homes instead of four; that he respects the property rights for the highest value of the property; and that the applicant should talk with the neighborhood council for a project that is more acceptable.

Commissioner Chi noted the character of the neighborhood; that he acknowledged the applicant's point of view; that the community must be looked at too; that Garden Grove is feeling the ill effects of burgeoning growth; and that the project would adversely impact the neighborhood.

Chair Jones commented that though the final map was recorded there is ambiguity; that there are property rights for the four legal parcels; that the zone change is not the proper avenue for the development; that the

request could be construed as 'spot zoning'; that the proposal would have been more acceptable with a variance request; and that the gate issue and unit placement would have been scrutinized.

Vice Chair Margolin moved to instruct staff to prepare resolutions of denial for Amendment No. A-130-07 and Site Plan No. SP-415-07, seconded by Chair Jones, with Commissioner Pierce absent, and to bring back the resolutions to the next regularly scheduled Planning Commission meeting. The motion received the following vote:

AYES:	COMMISSIONERS:	CALLAHAN, CHI, JONES, LECONG, MARGOLIN, PAK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	PIERCE

**PUBLIC**

**HEARING:**

SITE PLAN NO. SP-416-07

VARIANCE NO. V-152-07

**APPLICANT:**

THUNDER HOLDINGS, LLC.

**LOCATION:**

NORTHEAST CORNER OF FERNWOOD DRIVE AND WESTMINSTER AVENUE  
AT 10901 WESTMINSTER AVENUE

**DATE:**

JANUARY 18, 2007

**REQUEST:**

Site Plan approval to construct a one-story, 3,500 square foot addition to an existing one-story, 7,000 square foot commercial building, with a Variance request to deviate from the required interior side, and rear landscape setbacks. The site is in the C-1 (Neighborhood Commercial) zone.

Staff report was read and recommended approval. Revisions to the Engineering conditions of approval were noted.

Chair Jones asked staff to clarify the removal of the pole sign located on the eastern most side of the site.

Staff replied that the applicant could provide clarification.

Commissioner Pak asked staff how many of the 48 parking spaces would be designated for the handicapped. Staff replied two, and that the requirement is in the California Building Code as well as noted on the site plan.

Chair Jones opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Philip Martin, the architect, approached the Commission and stated that there is a sign pole that would be removed.

Commissioner Pak suggested that the transformer be on grade and asked if the 25 palm trees would be saved and relocated. Mr. Martin replied yes.

Chair Jones asked if the east side drive aisle would be removed. Mr. Martin replied yes as that is where the new addition would be located.



Chair Jones asked Mr. Martin to describe the building's occupancy. Mr. Martin replied that the occupancy would include a financial planning institution, a lawyer, traditional offices, and a form of coffee shop.

Mr. Joseph Vu, the applicant's representative and a member of Thunder Plaza, approached the Commission and expressed that he would like to have a sign on the top on the building, located on the cylinder feature, which houses equipment; that Planning says a sign would not be allowed on the roof; and that not having a sign there would hurt the business.

Staff commented that a sign is not allowed on the roof; that a sign would be permissible if the building were two-story; and that a sign mounted on an equipment enclosure is not permissible.

Commissioner Chi asked staff if the enclosure functioned as a roof. Staff replied that the applicant could come back with a request for a variance; that a variance could not be granted at this hearing due to the variance not being requested in the application or legally noticed.

Chair Jones commented that the signage on Starbucks' at Euclid Street and Trask Avenue was similar. Staff replied that the sign is below the height of the parapet.

Commissioner Pak asked staff to clarify the elevation drawing pages 8 and 10, which indicated signs on the cylinder. Staff replied that the signs were not permissible as shown; that the signs were not included in the original request; that approximately two weeks ago, the applicant was informed that the signs as proposed would not be permitted.

Chair Jones asked staff if the removal of the pole sign was included in the conditions of approval. Staff replied that the building addition would be in the way of the pole sign and that a condition to remove the pole sign could be included.

Ms. Robin Marcario approached the Commission and asked if the sign issue could be processed by the Zoning Administrator. Staff replied yes.

Mr. Vu stated that he would be agreeable to a solution and that the sign would follow the architecture and be aesthetically nice.

Chair Jones reiterated that the sign would need a variance and be publicly noticed; that the sign could not be approved at this hearing; that the applicant might bring the issue to the Zoning Administrator; and that there would be standard requirements.

There being no further comments, the public portion of the hearing was closed.

Chair Jones commented that the architectural appeal of the building looks good; that the parking lot is big and there is room for expansion; that a condition should be added to remove the pole sign; and that he has strong support for signage.

Staff commented that the Municipal Code has specific requirements with regard to variances; and that opinions should not be issued until the facts are reviewed, so as not to make pre-judgments.

Vice Chair Margolin agreed that he is happy to see the building being used.

Commissioner Chi commented that the Office Professional use is welcome in the City; and that the architecture is a welcome addition.

Commissioner Pak agreed that the area's image would be improved.

Commissioner Lecong expressed that the project would benefit the City.

Vice Chair Margolin moved to approve Site Plan No. SP-416-07 and V-152-07, with the revisions to the Engineering Division Conditions of Approval and the amendment to add a condition to remove the pole sign, seconded by Commissioner Lecong, pursuant to the facts and reasons contained in Resolution No. 5582. The motion received the following vote:

AYES:	COMMISSIONERS:	CALLAHAN, CHI, JONES, LECONG, MARGOLIN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC  
HEARING:

NEGATIVE DECLARATION  
AMENDMENT NO. A-131-07

APPLICANT:  
LOCATION:  
DATE:

CITY OF GARDEN GROVE  
CITYWIDE  
JANUARY 18, 2007

REQUEST:

To amend Title 9 of the Garden Grove Municipal Code modifying the Residential Development Standards, Section 9.16.050, to establish the maximum number of bathrooms in any residence based upon the number of bedrooms. Also proposed, is an amendment to the Procedures and Hearings, Section 9.24.030, to allow minor deviations from the maximum number of bathrooms in any residence.

Staff report was read and recommended approval.

Commissioner Lecong asked staff that with five bedrooms in a house, there could only be four bathrooms. Staff replied yes.

Vice Chair Margolin commented that a bathroom in a bedroom is one of the primary reasons there are large numbers of people in a house.

Staff responded that a certain percentage of the bathrooms have to be accessed from a public hallway; and that a urinal in combination with a toilet would be considered one bathroom.

Chair Jones opened the public hearing to receive testimony in favor of or in opposition to the request.

There being no further comments, the public portion of the hearing was closed.

Vice Chair Margolin moved to recommend the adoption of the Negative Declaration and approval of Amendment No. A-131-07 to City Council, seconded by Chair Jones, pursuant to the facts and reasons contained in Resolution No. 5583. The motion received the following vote:

AYES:	COMMISSIONERS:	CALLAHAN, CHI, JONES, LECONG, MARGOLIN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

MATTERS FROM  
COMMISSIONERS:

Commissioner Lecong announced his resignation from the Planning Commission and expressed his appreciation and thanks to his fellow Commissioners and staff for their kindness and support during his enjoyable tenure on the Commission.

Vice Chair Margolin also expressed his thanks to his fellow Planning Commissioners and staff for their input and support during his two years on the Planning Commission, and stated that he would remain on the Commission until a new appointee was in place.

Chair Jones commented that it had been an honor to serve with Vice Chair Margolin and Commissioner Lecong.

MATTERS  
FROM STAFF:

Staff read a brief description of Agenda items for the February 15, 2007 Planning Commission meeting.

ADJOURNMENT:

The meeting was adjourned at 10:50 p.m.

JUDITH MOORE  
Recording Secretary